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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/695,555	10/28/2003	Kelly J. Reasoner	200315829-1	9166
22879	7590	12/02/2004	EXAMINER	
HEWLETT PACKARD COMPANY P O BOX 272400, 3404 E. HARMONY ROAD INTELLECTUAL PROPERTY ADMINISTRATION FORT COLLINS, CO 80527-2400			TANG, MINH NHUT	
			ART UNIT	PAPER NUMBER
			2829	

DATE MAILED: 12/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/695,555	Applicant(s) REASONER, KELLY J.	
	Examiner Minh N. Tang	Art Unit 2829	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on amendment filed on November 02, 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 and 11-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 and 11-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>10/28/03</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. Applicant's election of species of Figs. 2 and 4 in the reply filed on November 02, 2004 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

Claims 1-5 and 11-15 are pending; claims 6-10 and 16-20 have been canceled by Applicant.

Information Disclosure Statement

2. The information disclosure statement (IDS) submitted on October 28, 2003 is considered by the examiner.

Specification

3. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

Claim Objections

4. Claim 11 is objected to because of the following informalities: in claim 11, line 11, "test instrument visually" should be -- test instrument, said mode display visually --. Appropriate correction is required.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1 and 11 are rejected under 35 U.S.C. 102(b) as being anticipated by Bergero (U.S.P. 3,612,999).

As to claim 1, Bergero discloses, in Figs. 1 and 2, a control module for an electrical test probe comprising: a control module body (11), wherein said control module body (11) is configured to non-permanently mechanically couple to an electrical test probe (35); a control device (17) mechanically coupled to said control module body (11), and electrically isolated from a probe tip (i.e., tip of test probe 35) within said electrical test probe (35), wherein said control device (17) is capable of being non-permanently electrically coupled to a test instrument (15); and a mode display (i.e., part of test instrument 15, hereinafter display) mechanically coupled to said control module body (11) and electrically coupled to said test instrument (15), said mode display (display) visually representing a configuration of said test instrument (15).

As to claim 11, Bergero discloses, in Figs. 1 and 2, a control module for an electrical test probe comprising: a control module body (11) configured to non-permanently mechanically couple to an electrical test probe body (36); a control device (17) mechanically coupled to said control module body (11) and electrically isolated from a probe tip (i.e., tip of probe 35) of said electrical test probe (35), wherein said control device (17), when activated, activates a function of an external electrical test instrument (15); a cable (19, 20) electrically coupled to said control module (10), mechanically coupled to said control module body (11), and electrically coupled to said control device (17), and non-permanently electrically and mechanically coupled to said

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test instrument (15); and a mode display (i.e., part of test instrument 15, hereinafter display) mechanically coupled to said control module body (11) and electrically coupled to said test instrument (15), said mode display (display) visually representing a configuration of said test instrument (15).

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 2 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bergero (U.S.P. 3,612,999) in view of Hodson et al. (U.S.P. 5,162,725).

As to claims 2 and 12, Bergero discloses all the limitations recited in the claims; however, he does not explicitly disclose said mode display is a liquid crystal display device. Hodson et al. disclose, in Figs. 1 and 4, a modular metering instrument comprising a liquid crystal display device (26) for displaying the identification and calibration information from the probe module (12). It would have been obvious for one of ordinary skill in the art at the time the invention was made to modify the apparatus of Bergero by providing the liquid crystal display device as taught by Hodson et al. in order to display the identification and calibration information of the set being tested.

9. Claims 3-5 and 13-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bergero (U.S.P. 3,612,999) in view of Klingberg et al. (U.S.P. 6,242,903).

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As to claims 3-5 and 13-15, Bergero discloses all the limitations recited in the claims; however, he does not explicitly disclose said mode display is a light emitting diode display device, or one or more light emitting diodes, or an electroluminescent display device. Klingberg et al. disclose, in Fig. 4, a voltage probe comprising light emitting diodes or a 3 millimeter 700 med red led for indicating a voltage being detected (see column 3, lines 31-40). It would have been obvious for one of ordinary skill in the art at the time the invention was made to modify the apparatus of Bergero by providing one or more light emitting diodes, or the electroluminescent display device (i.e., illumination device) so that a voltage has been detected would be indicated and easily seen by the user.

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

Lozoya	3,829,776	Pen Type Voltmeter.
Lutz	3,315,163	Meter Probe With Slidable Circuit Changing Contact Point.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Minh N. Tang whose telephone number is (571) 272-1971. The examiner can normally be reached on M-F (7:00-3:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Tokar can be reached on (571) 272-1812. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Minh N. Tang
Primary Examiner
Art Unit 2829

11/22/04